

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3711 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 - No

VISABHAI AMBARAMBHAI PATEL

Versus

BABABHAI NARSINHBHAI

Appearance:

MR MC BHATT for Petitioner
MR GC MAZMUDAR for Respondent Nos. 1 to 7
MR BY MANKAD, AGP for Respondent Nos. 8, 9,10

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 23/07/98

ORAL JUDGEMENT

Mr Bhatt, learned counsel for the petitioner and Mr Majmudar, learned counsel for respondent Nos. 1 to 7 state that their respective clients have submitted an application to the Deputy Collector, Dholka Prant, Dholka for permission under Section 31 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (hereinafter referred to as "the Act"). The dispute is only in respect of the agreement to sell and no final transaction of sale has taken place. The parties have,

therefore, applied to the Deputy Collector for permission under Section 31 of the Act and the same is not decided although it has been pending for the last about three months.

2. Mr Mankad, learned AGP appearing for respondent Nos. 8 to 10 has no instructions in the matter.

3. In the facts and circumstances of the case, it would be just and proper to direct respondent No. 8 to consider and decide the aforesaid application made by the parties under Section 31 of the Act as expeditiously as possible and in any case within two months from the date of receipt of a certified copy of this order.

4. In view of the aforesaid direction, it appears to the Court that the petition need not be kept pending at this stage and without going into the merits of the controversy at this stage, the petition can be disposed of with liberty to the petitioner to file a note for revival of the petition in case of necessity.

5. The petition is accordingly disposed of in terms of the aforesaid direction.

6. The ad-interim relief granted earlier shall continue till the Deputy Collector decides the matter and for a period of fifteen days thereafter in case the decision of the Deputy Collector is adverse to the petitioner.

July 23, 1998 (M.S. Shah, J.)